

REMARKS

The final Office Action mailed March 7, 2007, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-44 are now pending in this application. Claims 1-44 stand rejected.

Initially, Applicants respectfully traverse the Examiner's assertion at page 17 of the Office Action that Applicants' submitted declaration under 37 C.F.R. § 1.131 is not properly executed and does not adequately demonstrate prior invention.

The Examiner asserts that the declaration failed to "point out that the country in which the acts relied upon to show prior invention took place is one in which the acts can be credited." Applicants traverse this assertion. Specifically, at paragraph 6, page 2 of the declaration the inventors declare that the claimed invention was actually conceived and reduced to practice in the United States.

Moreover, Applicants submit that the declaration adequately demonstrates a prior invention and clearly explains the facts on which Applicants rely to show completion of the invention prior to the effective filing date of U.S. Patent 6,725,104 to Lo et al (hereinafter referred to as "Lo"). These facts are fully explained and demonstrated in the appendices. For example, Appendix A includes a true and accurate copy of a computer screen shot showing time line information for assembly of an E35A1 Board in connection with Applicants' invention.

Further, Appendix B includes a true and accurate copy of a computer screen shot showing ordering information for a working model of an E35A1 Board in connection with Applicants' invention.

The declaration also includes true and accurate copies of both a board hardware description prepared in connection with Applicants' invention (Appendix C) and a user interaction specification prepared in connection with Applicants' invention (Appendix D).

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that the declaration is properly executed and that the declaration adequately demonstrates prior invention sufficient to antedate the effective filing date of Lo.

The rejection of Claims 1-12 and 28-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,668,279 to Curtis (hereinafter referred to as "Curtis") in view of Lo is respectfully traversed.

Curtis describes a system including an in-kernel data transport module (206). The system further includes multiple clients (100, 102) that may send HTTP requests to a web server (202). Within web server (202), an in-kernel cache (204) is managed by data transport module (206) having an associated protocol stack (208). Data transport module (206) routes HTTP requests or portions thereof to an HTTP daemon (210) via an upcall door (212). The system can be implemented on a computer system (1502) that has any number of processors (1504) coupled to primary storage devices (1504, 1506), a secondary storage device (1510), input/output devices (1512), and/or a telecommunications network (1514). Notably, Curtis does not describe or suggest a web and file transfer system electrically connected to the ACM CPU, wherein the system is embedded within the ACM and includes a web server and a file transfer server.

Lo describes a system for communication between remote devices (5) that exchange E-mails in an automated facility. A server (1) is configured to send and receive E-mail messages containing instructions and other information that may alert an operator to alarm information, fault codes, and other operational parameters. Notably, Lo does not describe or suggest a web and file transfer system electrically connected to the ACM CPU, wherein the system is embedded within the ACM and includes a web server and a file transfer server. Moreover, as stated above, the submitted declaration by the inventors evidences that the effective filing date of Lo is antedated.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some

teaching, suggestion, or incentive supporting the combination. Neither Curtis nor Lo, considered alone or in combination, describes or suggests the claimed combination. Further, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statement that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Curtis in view of Lo to use an ACM that is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP § 2143.01. Rather some suggestion to combine such references and a reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 USPQ2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Moreover, neither Curtis nor Lo, considered alone or in combination, describes nor suggests the claimed invention. Specifically, Claim 1 recites a web-enabled automation control module (ACM), wherein the ACM comprises “an ACM central processing unit (CPU); a web and file transfer system electrically connected to said ACM CPU, said system embedded within said ACM and configured to process hypertext transfer protocol (HTTP) requests from a network, said system comprising a web server and a file transfer server; and wherein said ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product.”

Neither Curtis nor Lo, considered alone or in combination, describes or suggests a web-enabled ACM, as recited in Claim 1. More specifically, neither Curtis nor Lo, considered alone or in combination, describes or suggests a web and file transfer system electrically connected to the ACM CPU, wherein the system is embedded within the ACM and includes a web server and a file transfer server, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Curtis describes a system including a web server that includes an in-kernel cache controlled by an in-kernel data transport module which routes HTTP requests or portions thereof to an HTTP daemon, and Lo merely describes a system for communication between remote devices in an automated facility that exchange E-mails.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Curtis in view of Lo.

Claims 2-12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Curtis in view of Lo.

Claim 28 recites a method for management and control of an automation control module (ACM) including an ACM central processing unit (CPU), wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. The method comprises “embedding a web and file transfer system within

the ACM including electrically connecting the web and file transfer system to the ACM CPU, the web and file transfer system includes a web server and a file transfer server; electrically connecting the web and file transfer system to a network; and processing hypertext transfer protocol (HTTP) requests from the network using the web and file transfer system.”

Neither Curtis nor Lo, considered alone or in combination, describes or suggests a method for management and control of an ACM, as recited in Claim 28. More specifically, neither Curtis nor Lo, considered alone or in combination, describes or suggests embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU, wherein the web and file transfer system includes a web server and a file transfer server, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Curtis describes a system including a web server that includes an in-kernel cache controlled by an in-kernel data transport module which routes HTTP requests or portions thereof to an HTTP daemon, and Lo merely describes a system for communication between remote devices in an automated facility that exchange E-mails.

Accordingly, for at least the reasons set forth above, Claim 28 is submitted to be patentable over Curtis in view of Lo.

Claims 29-32 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 29-32 are considered in combination with the recitations of Claim 28, Applicants submit that dependent Claims 29-32 likewise are patentable over Curtis in view of Lo.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-12 and 28-32 be withdrawn.

The rejection of Claims 13-17 and 33-44 under 35 U.S.C. § 103(a) as being unpatentable over Curtis in view of U.S. Patent 6,826,594 to Pettersen (hereinafter referred to as “Pettersen”), and further in view of Lo is respectfully traversed.

Curtis and Lo are described above. As stated above, the submitted declaration by the inventors evidences that the effective filing date of Lo is antedated.

Pettersen describes a method for inserting dynamic content into a web page. A web page owner defines one or more zones of a web page (793) as remotely managed, and then connects the web page (793) to a content serving web site (780) in order to manage the zones by identifying dynamic content to be inserted in the zones. By way of an affiliate browser (792), a user at an affiliated web site (790) accesses a zone content database (785) to alter a file (787) associated with a tag ID (786) owned by the affiliate. The affiliate web site (790) and the content serving web site (780) each have a web server (791 and 781). In response to a request from a user system browser (762), the content serving web site (780) looks up the file (787) associated with the dynamic content from the dynamic content database (785), using the tag ID (786) as a key, and sends the file (787) to a user system (760). Notably, Pettersen does not describe or suggest a web and file transfer system electrically connected to the ACM CPU, wherein the system is embedded within the ACM and includes a web server and a file transfer server.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Curtis with Pettersen and/or Lo because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statements that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Curtis in view of Pettersen to use user-defined web pages" and that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Curtis and Pettersen in view of Lo to use an ACM comprising one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP § 2143.01. Rather some suggestion to combine such references and a reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 USPQ2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Moreover, none of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 13 recites an automation control module (ACM) system, wherein the system comprises "an ACM comprising one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product; a network; a web-enabled computer electrically connected to said network; and a web and file transfer subsystem electrically connected to said ACM and said network, said web and file transfer subsystem configured to store at least one user-defined web page file, said subsystem comprising a web server and a file transfer server."

None of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests an ACM system, as recited in Claim 13. More specifically, none of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests a web and file transfer subsystem electrically connected to the ACM CPU and network, wherein the web and file transfer subsystem is configured to store at least one user-defined web page file and includes a web server and a file transfer server, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Curtis describes a system including a web server that includes an in-kernel cache controlled by an in-kernel data transport module which routes HTTP requests or portions thereof to an HTTP daemon, Pettersen merely describes a method for inserting dynamic content into a web page, and Lo merely describes a system for communication between remote devices in an automated facility that exchange E-mails.

Accordingly, for at least the reasons set forth above, Claim 13 is submitted to be patentable over Curtis in view of Pettersen, and further in view of Lo.

Claims 14-17 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-17 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-17 likewise are patentable over Curtis in view of Pettersen, and further in view of Lo.

Claim 28 recites a method for management and control of an automation control module (ACM) including an ACM central processing unit (CPU), wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. The method comprises "embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU, the web and file transfer system includes a web server and a file transfer server; electrically connecting the web and file transfer system to a network; and processing hypertext transfer protocol (HTTP) requests from the network using the web and file transfer system."

None of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests a method for management and control of an ACM, as recited in Claim 28. More specifically, none of Curtis, Pettersen, and Lo, considered alone or in combination, describes

or suggests embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU, wherein the web and file transfer system includes a web server and a file transfer server, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Curtis describes a system including a web server that includes an in-kernel cache controlled by an in-kernel data transport module which routes HTTP requests or portions thereof to an HTTP daemon, Pettersen merely describes a method for inserting dynamic content into a web page, and Lo merely describes a system for communication between remote devices in an automated facility that exchange E-mails.

Accordingly, for at least the reasons set forth above, Claim 28 is submitted to be patentable over Curtis in view of Pettersen, and further in view of Lo.

Claims 33-35 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 33-35 are considered in combination with the recitations of Claim 28, Applicants submit that dependent Claims 33-35 likewise are patentable over Curtis in view of Pettersen, and further in view of Lo.

Claim 36 recites a method for management and control of an automation control module (ACM) using an ACM system, the ACM system including an ACM, a network, and a web-enabled computer electrically connected to the ACM, wherein the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. The method comprises "embedding a web and file transfer subsystem within the ACM including electrically connecting the web and file transfer subsystem to the ACM and the network, the web and file transfer subsystem includes a web server and a file transfer server; and storing at least one user-defined web page file."

None of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests a method for management and control of an ACM using an ACM system, as recited in Claim 36. More specifically, none of Curtis, Pettersen, and Lo, considered alone or in combination, describes or suggests embedding a web and file transfer subsystem within the ACM including electrically connecting the web and file transfer subsystem to the ACM and

the network, wherein the web and file transfer subsystem includes a web server and a file transfer server, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Curtis describes a system including a web server that includes an in-kernel cache controlled by an in-kernel data transport module which routes HTTP requests or portions thereof to an HTTP daemon, Pettersen merely describes a method for inserting dynamic content into a web page, and Lo merely describes a system for communication between remote devices in an automated facility that exchange E-mails.

Accordingly, for at least the reasons set forth above, Claim 36 is submitted to be patentable over Curtis in view of Pettersen, and further in view of Lo.

Claims 37-44 depend, directly or indirectly, from independent Claim 36. When the recitations of Claims 37-44 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claims 37-44 likewise are patentable over Curtis in view of Pettersen, and further in view of Lo.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 13-17 and 33-44 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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